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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LODUSKY MCCOWEN, on behalf of
himself and all others similarly situated,

Plaintiffs,

v.

TRIMAC TRANSPORTATION SERVICES
(WESTERN), INC., a Delaware corporation; and
DOES 1 through 10, inclusive,

Defendants.

CASE NO. 14-CV-02694-RS

CLASS ACTION

**JOINT STIPULATION AND ~~[PROPOSED]~~
ORDER RE FILING OF FIRST AMENDED
COMPLAINT**

1 RICHARD H. RAHM, Bar No. 130728
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Attorneys for Defendant
TRIMAC TRANSPORTATION SERVICES (WESTERN), INC.

1 Plaintiff LUDUSKY MCCOWEN (“Plaintiff”) and Defendant TRIMAC
2 TRANSPORTATION SERVICES (WESTERN), INC. (“Defendant”), by and through their
3 undersigned attorneys of record, hereby stipulate as follows:

4 WHEREAS, on June 10, 2014, Plaintiff filed a putative class action Complaint against
5 Defendant alleging the following causes of action: (1) failure to pay minimum wages for all hours
6 worked; (2) failure to pay designated rates for all hours worked; (3) wages below the designated rate
7 for actual miles driven; (4) failure to provide meal periods; (5) failure to provide rest periods;
8 (6) failure to timely furnish accurate, itemized wage statements; (7) failure to pay all wages due at
9 time of termination of employment; (8) violation of California’s Unfair Competition Act (Bus. &
10 Prof. Code §§ 17200, *et seq.*); and (9) for civil penalties pursuant to the California Private Attorneys
11 General Act (Labor Code §§ 2698, *et seq.*);

12 WHEREAS on June 10, 2014, Plaintiff sent notice to the Labor Workforce Development
13 Agency (LWDA) of the violations alleged in the Complaint and the facts and theories which support
14 said alleged violations, along with a copy of the Complaint;

15 WHEREAS, Defendant filed its Answer on August 1, 2014;

16 WHEREAS, more than thirty-three days (33) calendar days have passed since Plaintiff gave
17 notice to the LWDA, but the LWDA has provided no notice that it intends to investigate the alleged
18 violations;

19 WHEREAS, Plaintiff now seeks to file a First Amended Complaint adding allegations that
20 the jurisdictional prerequisites to the maintenance of Plaintiff’s Ninth Cause of Action have been
21 satisfied;

22 WHEREAS, Defendant does not oppose the filing of the First Amended Complaint.

23 NOW, THEREFORE, it is hereby stipulated by the parties, through their respective counsel
24 of record, that Plaintiffs shall be granted leave to file the First Amended Complaint attached hereto
25 as Exhibit A.

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1 IT IS SO STIPULATED.

2
3 DATED: January 22, 2016

MARLIN & SALTZMAN, LLP

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5 By: /S/ Christina A. Humphrey

6 Stanley D. Saltzman, Esq.
7 Christina A. Humphrey, Esq.
8 Leslie H. Joyner, Esq.
9 Attorneys for Plaintiff

10 DATED: January 22, 2016

LITTLER MENDELSON, P.C.

11 By: /S/ Angela Rafoth

12 Richard H. Rahm, Esq.
13 Angela J. Rafoth, Esq.
14 Attorneys for Defendant

15 **SIGNATURE ATTESTATION**

16 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
17 document has been obtained from the signatories on this e-filed document.

18
19 DATED: January 22, 2016

Christina A. Humphrey

20 Christina A. Humphrey

~~PROPOSED~~ ORDER

Upon consideration of the Stipulation to File First Amended Complaint filed by Plaintiff LUDUSKY MCCOWEN (“Plaintiff”) and Defendant TRIMAC TRANSPORTATION SERVICES (WESTERN), INC. (“Defendant”) (collectively, the “Parties”), and for good cause shown, the Court hereby APPROVES the Parties’ stipulation and GRANTS Plaintiff leave to file his First Amended Complaint.

DATED: 1/25/16



Richard Seeborg
U.S. District Court Judge